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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 **-oOo-**

9 UNITED STATES OF AMERICA,) Case No. 2:09-cr-97-GMN
10)
11 Plaintiff,)
12 vs.) MOTION FOR RELEASE OF PSR TO THE
13 JOHN GORDON AITKEN,) GOVERNMENT AND ADDITIONAL TIME
14 Defendant.) WITHIN WHICH TO RESPOND
_____)

15
16 By and through its undersigned counsel, the United States respectfully moves this
17 Court issue an order directing the U.S. Office of Probation to release the defendant's PSR to the
18 U.S. Attorney's Office and for additional time for the United States to respond to the defendant's
19 motion to modify terms of supervised release.

20 **Background**

21 The defendant was sentenced to fifty-seven months in custody, followed by three years of
22 supervised release with conditions, on September 20, 2004. The defendant is currently in custody
23 of the Bureau of Prisons. According to his motion and its attachments, his expected release date is
24 November 17, 2014.

25 The defendant filed a motion to modify the terms of his conditions on June 26,
26 2013. AUSA Newman filed her initial appearance in this case on July 30, 2013. In order to assess
the defendant's motion, the United States needs to review the presentence investigation report

1 (“PSR”) prepared in connection with this defendant. Due to the sensitive nature of PSRs, the
2 Office of Probation prefers that an order authorizing the disclosure be entered prior to turning
3 over the PSR to the U.S. Attorney’s Office. Thus, the United States respectfully requests that this
4 Court issue an Order to U.S. Probation Office for the District of Nevada authorizing it to release
5 the defendant’s PSR in this case to the U.S. Attorney’s Office for purposes of responding to the
6 defendant’s motion to modify conditions.

7 The United States also respectfully requests that the Court grant it additional time
8 within which to respond. Although the motion has been pending for approximately a month, the
9 United States has not had an opportunity to evaluate the case and prepare a meaningful response.
10 To that end and as the defendant’s release date is still quite remote, the United States respectfully
11 requests that this Court allow it to file its response by August 26, 2013.

12 **Conclusion**

13 The United States respectfully requests that the Court issue an Order: (1)
14 authorizing the U.S. Office of Probation for the District of Nevada to release the PSR in the above
15 captioned case to the U.S. Attorney’s Office; and (2) granting the United States until August 26,
16 2013, to respond to the defendant’s motion to modify the terms of his supervised release.

17 Dated: July 31, 2013

18 Respectfully Submitted,

19 DANIEL G. BOGDEN
20 United States Attorney

21 */s/ Kathryn C. Newman*

22 KATHRYN C. NEWMAN
23 Assistant United States Attorney
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ORDER

IT IS HEREBY ORDERED that the U.S. Office of Probation for the District of Nevada is authorized and instructed to release the Presentence Investigation Report in this case to the U.S. Attorney's Office. IT IS FURTHER ORDERED that the United States has until August 26, 2013, to respond to the defendant's motion to modify conditions of release.

IT IS SO ORDERED this 31st day of July, 2013.



Gloria M. Navarro
United States District Judge